



CITY COUNCIL REGULAR MEETING MINUTES

January 5, 2015

6:15 p.m. - Special Meeting: for the purpose of holding an Executive Session to discuss potential litigation per RCW 42.30.110(1)(i)

7:00 p.m. – Regular Meeting

400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library

SPECIAL MEETING

Mayor Krakowiak called the Special Meeting of the Burien City Council to order at 6:20 p.m. for the purpose holding an Executive Session to discuss potential litigation per RCW 42.30.110(1)(i).

Present: Mayor Lucy Krakowiak; Deputy Mayor Bob Edgar; Councilmembers Stephen Armstrong, Lauren Berkowitz, Gerald F. Robison, Nancy Tosta and Debi Wagner.

Administrative staff present: City Manager Kamuron Gurol; Interim City Attorney Chris Bacha; Police Chief Scott Kimerer; and, Public Works Director Maiya Andrews.

No action was taken.

The Special Meeting adjourned to the Study Session at 6:58 p.m.

CALL TO ORDER

Mayor Krakowiak called the Regular Meeting of the Burien City Council to order at 7:06 p.m.

PLEDGE OF ALLEGIANCE

Mayor Krakowiak led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Lucy Krakowiak, Deputy Mayor Bob Edgar, Councilmembers Stephen Armstrong, Lauren Berkowitz, Gerald F. Robison, Nancy Tosta and Debi Wagner.

Administrative staff present: City Manager Kamuron Gurol; Police Chief Scott Kimerer; Interim City Attorney Chris Bacha; Management Analyst Nhan Nguyen; and, City Clerk Monica Lusk.

ELECTION OF DEPUTY MAYOR

Mayor Krakowiak opened the nominations for Deputy Mayor.

Councilmember Wagner nominated Councilmember Bob Edgar.

Councilmember Robison nominated Councilmember Nancy Tosta.

There being no additional nominations, Mayor Krakowiak closed the nominations.

City Clerk Monica Lusk conducted a roll call vote.

Direction/Action

Voting for Councilmember Edgar were Mayor Krakowiak, Councilmembers Edgar and Wagner.

Direction/Action

Voting for Councilmember Tosta were Councilmembers Armstrong, Berkowitz, Robison and Tosta.

Councilmember Tosta was elected Deputy Mayor as evidenced by a roll call vote of 4-3.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to affirm the January 5, 2015, Agenda.

Direction/Action

Councilmembers reached consensus to limit the public to speak for two minutes instead of three minutes under the Business Agenda in order to hear all who wish to speak at tonight's meeting.

PUBLIC COMMENT

Goodspaceguy, 10219 9th Avenue South, Boulevard Park
Pat LeMoine, 10127 Myers Way South, Seattle
Linda Plein, 1600 Southwest 156th Street, Burien
Sally Nelson, 15808 Maplewild Avenue Southwest, Burien

CORRESPONDENCE FOR THE RECORD

- a. Email Dated December 2, 2014, from Rachael Levine with Response from Liz Olmstead, Planner, Regarding Public Transportation for Burien and Evergreen Pool Funding.
- b. Letter Dated December 15, 2014, from C. Edgar and Members of the Lake Burien Neighborhood Regarding Correspondence to the Council Packet for Dec. 15, 2014-Pages 81, 83, 85.
- c. Letter Dated December 15, 2014, from Debra Pierson Regarding the Lake Burien Neighborhood Amendment.
- d. Letter Dated December 15, 2014, from Linda Plein Regarding the Lake Burien Amendment.

CONSENT AGENDA

- a. Approval of Check Register: Numbers 39422 - 39534 in the Amounts of \$386,923.24 for Payment on January 5, 2015; and Payroll Salaries and Benefits Numbers 6365 – 6370 for Direct Deposits and Wire Transfers in the Amount of \$233,149.50 for December 1 – December 15, 2014, Paid on December 19, 2014.
- b. Approval of Minutes: Regular Meeting, December 15, 2014.

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to approve the January 5, 2015, Consent Agenda.

Follow-up

Staff will confirm the vote outcome in the December 15, 2014, Minutes for the motion to amend the Comprehensive Plan Shoreline Master Program Consistency Policy Text Amendments Policy SA 1.4 to read "The City shall seek opportunities to develop new public access areas in locations dispersed throughout all appropriate shorelines" and correct the minutes if needed.

BUSINESS AGENDA

Discuss and Take Action Regarding Draft Ordinance Proposing Amendments to Ordinance No. 606 (Trespass Warnings)

Public Comment

Goodspaceguy, 10219 9th Avenue South, Boulevard Park
Don Franks, 16624 3rd Avenue South, Burien
Darla Green, 14970 21st Avenue Southwest, Burien
Philip Levine, 430 South 124th Street, Burien
Anne Slater, 14401 8th Avenue Southwest, #122, Burien
Mark Manning, 14533 4th Court South, Burien
Mamie Scott, 106 10th Avenue Street NE, #331, Auburn
Nancy Corr, 23025 17th Avenue South, Des Moines
Su Docekal, 14401 8th Avenue Southwest, Burien
Rachel Levine, 430 South 124th Street, Burien
Sally Nelson, 15808 Maplewild Avenue Southwest, Burien
Dave Hutchinson, 15100 6th Avenue Southwest, Burien
Sybil Davis, 16818 Ambaum Boulevard South, Burien
Caleb Boyer, Highline High School Student, 143 South 152nd Street, Burien
Holly Koelling, Director of Library Operations for the King County Library System
Damien Howard, Highline High School Student, Burien
Chestine Edgar, 1811 Southwest 152nd Street, Burien

Direction/Action

Motion was made by Councilmember Edgar, seconded by Councilmember Robison, to adopt Ordinance No. 621.

Direction/Action

Mayor Krakowiak called a recess at 9:10 p.m.
Mayor Krakowiak reconvened the meeting at 9:20 p.m.

Direction/Action

Councilmember Wagner called for the vote.
Councilmember Wagner withdrew the call for the vote.

Direction/Action

Motion was made by Councilmember Robison, seconded by Deputy Mayor Tosta, to remove Subsection 9.125.015(2) and remove the word "unsafe" in both the first whereas and in 9.125.020. **Motion** passed 5-2. Opposed, Councilmembers Edgar and Wagner.

Direction/Action

Motion was made by Councilmember Robison, seconded by Deputy Mayor Tosta, to amend the motion to remove “unreasonably disruptive” from 9.125.015(4) and all other “unreasonably disruptive” references. **Motion** failed 3-4. Opposed, Mayor Krakowiak, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

Motion was made by Councilmember Berkowitz, seconded by Councilmember Robison, to amend the motion to direct staff to add a section that gathers demographic data to report to the Council about who is receiving trespass warnings of all relevant demographics not limited to but including homelessness status, income level, race and gender. **Motion** failed 2-5. Opposed, Mayor Krakowiak, Deputy Mayor Tosta, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

Motion was made by Councilmember Robison, seconded by Councilmember Berkowitz, to remove 9.125.015(4)(e). **Motion** failed 3-4. Opposed, Mayor Krakowiak, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

Motion by Councilmember Robison, seconded by Deputy Mayor Tosta, to amend 9.125.020(2) by replacing the word “may” with “shall” and deleting the wording “or by first class mail to the offender at the offender’s last known address.” **Motion** failed 2-5. Opposed, Mayor Krakowiak, Deputy Mayor Tosta, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

Motion by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to extend the meeting to 10:30 p.m.

Direction/Action

Motion by Deputy Mayor Tosta, seconded by Councilmember Berkowitz, to amend the motion to add a new Section 3 to Ordinance No. 621 to limit the location to the common areas in City owned property inside the City Hall/Library complex and Town Square Park.

Direction/Action

Deputy Mayor Tosta withdrew the motion. Councilmember Robison withdrew the second.

Direction/Action

Motion by Councilmember Robison, seconded by Deputy Mayor Tosta, to amend the motion to revise Ordinance No. 606, Section 9.125.010(3) to add wording “located between Southwest 151st and Southwest 152nd Streets between 4th Avenue Southwest and 5th Place Southwest” after the word “property.” **Motion** failed 3-4. Opposed, Mayor Krakowiak, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

Motion by Deputy Mayor Tosta, seconded by Councilmember Berkowitz, to extend the meeting to 10:45 p.m. **Motion** passed 4-3. Opposed, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

A vote was taken on the original motion to adopt Ordinance No. 621, as amended to remove Subsection 9.125.015(2) and remove the word "unsafe" in both the first whereas and in 9.125.020. **Motion** passed 4-3. Opposed, Deputy Mayor Tosta, Councilmembers Berkowitz and Robison.

Direction/Action

Motion was made by Councilmember Berkowitz, seconded by Council Robison, to repeal Ordinance No. 606 and Ordinance No. 621 in its entirety.

Direction/Action

Councilmember Berkowitz withdrew the motion.

Direction/Action

Motion was made by Councilmember Berkowitz, seconded by Councilmember Robison, to direct staff to create an ordinance for the February 2, 2015, Council meeting to repeal Ordinance No. 606 and Ordinance No. 621. **Motion** failed 3-4. Opposed, Mayor Krakowiak, Councilmembers Armstrong, Edgar and Wagner.

Direction/Action

Motion was made by Councilmember Berkowitz, seconded by Councilmember Robison, to direct staff to create a responsible demographics collection tool for the February 2, 2015, Council meeting for the Council to vote on that would collect data demonstrating who has trespassed to include the following relevant information: whether they are homeless, gender and race as well as any other relevant information. **Motion** failed 2-5. Opposed, Mayor Krakowiak, Deputy Mayor Tosta, Councilmembers Armstrong, Edgar and Wagner.

Follow-up

Staff will provide a report on collecting demographic data of those receiving trespass warnings and or citations to include homeless status, income level, race and gender in the February 2, 2015, City Manager's Report.

Review of Council Proposed Agenda Schedule.

Due to time constraints, the schedule was not discussed.

COUNCIL REPORTS

Due to time constraints, no reports were presented.

CITY MANAGER'S REPORT

Due to time constraints, the report was not presented.

ADJOURNMENT

MOTION was made by Councilmember Robison, seconded by Councilmember Berkowitz, and passed unanimously to adjourn the meeting at 10:45 p.m.

/s/ Lucy Krakowiak, Mayor

/s/ Monica Lusk, City Clerk